



HOUSE OF REPRESENTATIVES

HB 2615

campuses; free speech zone; prohibition
Prime Sponsor: Representative Kern, LD 20

DP Committee on Government and Higher Education

DPA Caucus and COW

X As Transmitted to the Governor

OVERVIEW

HB 2615 prohibits a community college or university from limiting any area on campus where free speech may be exercised, subject to reasonable time, place and manner restrictions

PROVISIONS

1. Prohibits a community college or university from limiting any area on campus where free speech may be exercised, subject to reasonable time, place and manner restrictions.
2. Specifies that a *public forum includes* both a traditional public forum and a designated public forum.
3. Removes permissive language allowing a university or community college to restrict a student's speech in a public forum under specified conditions.
4. Prohibits a university or community college from imposing restrictions on the time, place and manner of student speech that:
 - a. occurs in a public forum; and
 - b. is protected by the First Amendment to the U.S. Constitution unless the restrictions:
 - i. are reasonable;
 - ii. are justified without reference to the content of the regulated interest;
 - iii. are narrowly tailored to serve a significant governmental interest; or
 - iv. leave open ample alternative channels for communication of the information.
5. Permits the Attorney General or a student whose expressive rights were violated to bring an action to enjoin any violation or recover reasonable court costs and attorney fees.
6. Requires a person to bring an action within one year after the date the cause of action accrues.
7. Provides that each day the violation persists, or a policy in violation remains in effect, constitutes a new violation and is considered a day the cause of action has accrued.
8. Directs the court, on a finding of violation, to award the aggrieved person injunctive relief, reasonable court costs and attorney fees.
9. Makes technical changes.

CURRENT LAW

A university or community college is prohibited from restricting a student's right to speak, including verbal speech, hold a sign or distribute fliers or other materials, in a public forum. The only circumstances in which a public postsecondary institution may restrict a student's speech in

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a public forum is if the restriction is both in furtherance of a compelling governmental interest and is the least restrictive means of furthering the compelling governmental interest ([A.R.S. § 15-1864](#)).

A *public forum* includes any open, outdoor area on the campus of a university or community college and any facilities, buildings or parts of buildings that have been opened to students or student organizations for expression ([A.R.S. § 15-1861](#)).